

SHUMAKER & SIEFFERT, P.A.
8425 SEASONS PARKWAY, SUITE 105
ST. PAUL, MINNESOTA 55125
TEL 651.735-1100
FAX 651.735-1102
WWW.SSIPLAW.COM

RECEIVED
CENTRAL FAX CENTER
JUL 06 2006

FACSIMILE SUBMISSION UNDER 37 CFR 1.8

| | |
|---|-------------------------------------|
| TO: | FROM: |
| Examiner Jessica L. Reidel | Jason D. Kelly |
| COMPANY: | DATE: |
| USPTO | JULY 6, 2006 |
| FAX NUMBER: | TOTAL NO. OF PAGES INCLUDING COVER: |
| 571-273-8300 | 3 |
| PHONE NUMBER: | SENDER'S REFERENCE NUMBER: |
| 571-272-2129 | 1023-223US01 |
| RE: | APPLICATION SERIAL NUMBER: |
| Response to Restriction Requirement dated June 9, 2006 | 10/696,501 |

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard B. North; Jeffrey M. Sieracki; David D. Brigham
Confirmation No. 5724
Serial No.: 10/696,501
Filed: October 29, 2003 Customer No.: 28863
Examiner: Jessica L. Reidel
Group Art Unit: 3766
Docket No.: 1023-223US01
Title: IMPLANTABLE NEUROSTIMULATOR PROGRAMMING WITH BATTERY LONGEVITY INDICATION

RECEIVED
CENTRAL FAX CENTER
JUL 06 2006

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on July 6, 2006.

By: Caryl Harriman
Name: Caryl Harriman

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed June 9, 2006. Claims 1-58 have been restricted under 35 U.S.C. § 121 as follows:

- Species I. Directed to the embodiment where the processor estimates the load – using a formula – based on the number of anodes and cathodes specified for the program, and assumed pre-electrode impedance, which may be stored in memory,
- Species II. Directed to the embodiment where the processor estimates the load – using a look-up table – based on the device configuration information, such as INS type, lead type and/or electrode locations.

Species III. Directed to the embodiment where the processor actually measures the impedance presented by each of the electrodes and uses actually measurements to determine the drain on the battery.

Applicants hereby elect Species I without traverse. Claims 1-4, 8-23, 28-43, and 47-58 read on Species I.

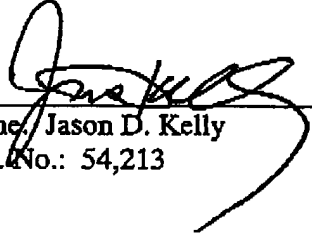
As the Office Action indicates, independent claims 1, 20, and 40 are generic. Pursuant to MPEP § 806.04(d), once generic claims 11, 20, and 40 are allowable, all of the claims drawn to nonelected Species II and III are allowable in addition to the claims drawn to elected Species I.

Date:

July 6, 2006

SHUMAKER & SIEFFERT, P.A.
8425 Seasons Parkway, Suite 105
St. Paul, Minnesota 55125
Telephone: 651.735.1100
Facsimile: 651.735.1102

By:


Name: Jason D. Kelly
Reg. No.: 54,213